



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3011434
Applicant Name: Webber Thompson Architecture for Pryde Johnson, Inc.
Address of Proposal: 1537 NW 56th St.

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a seven-story structure containing 102 residential units above four live-work units. Parking for 86 vehicles is to be provided within the structure. The project includes 6,500 cu. yds. of grading.

The following approvals are required:

SEPA - Environmental Determination – Chapter 25.05 SMC

Design Review – Chapter 23.41 SMC – One Design Departures

1. SMC 23.47A.008.B.3.a – Minimum non-residential depth

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or
involving another agency with jurisdiction.

BACKGROUND INFORMATION:

Site and Area Description

Site Zone: NC3-85'

Nearby Zones: (North) NCS-65
(South) NCS 85
(East) NC3-85
(West) NC3-85



Current Development:

The project site is currently developed with a paved parking lot behind the first phase of the Hijarta Development which occupies the southern half of the site.

Access:

Vehicular access is proposed to be from N.W. 56th St. in a below grade parking garage with no connection to the below grade parking garage of the Phase One Hijarta project.

Surrounding Development:

Contiguous to the south is Phase One the Hijarta development of which the proposal is Phase Two. Across N.W. 56th St. to the north is a nearly full block, eight story condominium project. To the east is the former Denny's Restaurant site, now vacant, for which there is an issued MUP for a mixed-use project making full use of the split 65 and 85 foot zoning height limit. To the west are two parcels, one containing a 7-11 convenience store and to the north of it a one-story professional office building.

ECAs

No mapped or known Environmentally Critical Area on the site.

Neighborhood Character:

The proposal site is in an area of the Ballard neighborhood which is historically commercial and multi-family in character. The difference between the height and density of existing development and that allowed in the Neighborhood Commercial zone with height limits of 65 and 85 feet found in the area has resulted in a considerable amount of new multi-family development. The existing character of the immediate area is a mix of older two and three story commercial and multi-family residential development interspersed with newer projects with the same uses in six to eight story configurations.

PROJECT DESCRIPTION

The proposal is for a seven story building with 102 residential and 4 live-work units with garage parking for approximately 106 vehicles. The site has street frontage on N.W. 56th Street and there is no alley. There would be no vehicular connection to the Phase One Hijarta building to the south which takes its vehicular access from N.W. Market St.



PUBLIC COMMENTS

The Notice of Application for the project was published on April 24, 2011. The required SEPA public comment period ended May 4, 2011.

The Northwest Design Review Board held publicly noticed Design Review Recommendation Meeting was held on December 13, 2010.

Public comment included:

- The owner of the office building to the west indicated that the building is likely to remain for some time and that she would like to see additional landscaping against the west side of the proposed building;
- Three residents living in the adjacent Hjarta I building expressed concern that there is not enough parking proposed;
- One resident of the Hjarta I building expressed concern about interruption of the current practice of staging trash and recycling bins for the Phase One building on N.W. 56th St. (The applicants indicated there would be no way for the Phase One building to get their bins to N.W. 56th St. with Phase Two in place.);
- A neighborhood resident complimented the overall design of the proposal and suggested picking a different light fixture; specifically one that would shine up the building and down to the sidewalk, not out. This person also mentioned that the sill height of the live/work units should be kept under 30" to maintain a "commercial" look.
- The added traffic and on-street parking demand from the proposal would exacerbate an already congested condition.

ANALYSIS-DESIGN REVIEW

Design Guidelines Priorities

Early Design Guidance was provided for this proposal was made on June 23, 2003 under Master Use Permit application 2302124, an application which included the subject parcel and the already constructed Hjarta-I, the first phase of the two phase project. The Northwest Design Review Board reviewed the current, Phase II, proposal using the early design guidance found in the DPD record for the prior MUP.

MASTER USE PERMIT APPLICATION

The applicant developed the design according to the Design Review Board's guidance and applied for a Master Use Permit on April 14, 2011.

DESIGN REVIEW BOARD RECOMMENDATION

The Design Review Board conducted a Recommendation Meeting on July 11, 2011, to review the applicant's formal project proposal developed in response to the previously-identified priorities. At the public meeting, site plans, elevations, floor plans, landscaping plans and proposed exterior materials were presented for the Board members' consideration.

BOARD DELIBERATIONS

The Board discussed the use of metal siding in other projects and the propensity for it to have an “oil canning” appearance of ripples if the material is not thick enough or not properly applied. It said the gauge of the metal should be kept low enough to prevent the “oil canning” problem and that that gauge should be specified on approved plans with a profession statement that it will not “oil can.”

The Board expressed its view that the live/work units need to achieve a more commercial look and be well suited to be put to commercial retail use at a future date. It was stated the live/work units should have larger windows, which, while still operable, avoided the awning window look. The bases of the live/work units should be of a durable material and the prodema material might be the most durable of the palate proposed.

The Board state that the exterior wood toned, prodema panes, bolt-on balconies and the window sun shades are important elements of the proposed design. It said the amount and location of the wood toned prodema panels and the number and locations of both the bolt-on balconies and sunshades should be maintained in the project as constructed.

DEVELOPMENT STANDARD DEPARTURES

SMC 23.47A.008.B.3.a – Minimum non-residential depth.

Where the Land Use Code requires a 30 foot average depth of non-residential uses at street level the applicants propose an average depth of 29.78 feet. The Board reviewed and endorsed the proposal to place live work units along N.W. 56th St. with parking at the same level behind the building. In order to accomplish this arrangement of uses it is necessary to depart a very minor amount from the code prescribed minimum commercial depth and it is inferred that the Board recommends this departure in order to foster the street life along N.W. 56th St. by including live work units at the ground level.

RECOMMENDATION

The Board **Recommended approval** of the proposed design with conditions.

Recommended Conditions:

1. The gauge of the exterior metal siding shall be kept low (thick) enough to prevent an “oil canning” problem and that that gauge should be specified on approved plans and a profession statement shall be provided indicating that properly installed siding will not ripple or distort during or after installation.
2. Redesign exterior of the live work units to achieve a more commercial look well suited for office or retail use at a future date. The live/work units shall have larger windows, which, while still operable, avoid the awning window look. The bases of the live/work units shall be of a durable material; the pro dema material is likely the most durable of the materials proposed for the building.

3. The amount and location of the wood toned pro demo panels and the number and locations of both the bolt-on balconies and sunshades shall be maintained in the project as constructed.

DIRECTOR'S ANALYSIS - DESIGN REVIEW

The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the Citywide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design.

DECISION - DESIGN REVIEW

The proposed design requested development standard departures are **CONDITIONALLY GRANTED**. Design Review conditions are listed at the end of this report.

ANALYSIS-SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist prepared by the applicant dated August 9, 2010, received April 13, 2011 and annotated by the Department. The information in the checklist, the supplemental information submitted by the applicant, including Traffic and Parking impact information prepared by TSI, Inc., and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations. Under such limited circumstances (see SMC 25.05.665.D.1-7), mitigation may be considered by the Department.

Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. Additionally, due to the temporary nature and limited scope of these impacts, they are not considered significant per SMC 25.05.794. The following is an analysis of construction-related noise, drainage, earth, grading, traffic and parking impacts as well as mitigation.

Construction Noise

Noise associated with construction of the building could adversely affect surrounding uses in the area, which include residential uses. Many apartments are adjacent to the site, and more residences are nearby. The Noise Ordinance alone is found to be insufficient to mitigate potential noise impacts during construction. Pursuant to SEPA policy authority for construction impacts the following conditioning will be imposed.

All construction activities are subject to the limitations of the Noise Ordinance, SMC 25.08. Construction activities (including but not limited to deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Quiet activities, such as site security, monitoring, and weather protection shall not be limited by this condition. The Department may, in situations where certain construction activities must be completed outside the proscribed hours listed above, issue limited exceptions to allow specific construction activities outside the proscribed hours for limited periods of time.

Earth/Grading

An excavation to construct the partially below grade parking for the proposal will be necessary. The depth of the excavation will be a maximum of approximately 15 feet in depth. Approximately 6,500 cubic yards of soil and existing material will be removed from the site, which could create potential earth-related impacts. Compliance with the Stormwater, Grading, and Drainage Control Code (SMC 22.800) will require the proponent to identify a legal disposal site for excavation and demolition debris prior to commencement of demolition/construction.

Compliance with the Uniform Building Code and the Stormwater, Grading, and Drainage Control Code will also require that Best Management Practices (BMPs) be employed during demolition/excavation/construction including that the soils be contained on-site and that the excavation slopes be suitably shored and retained in order to mitigate potential water runoff and erosion impacts during excavation and general site work. A drainage control plan, including a temporary erosion and sedimentation control plan will be required with the building permit application. In addition, a Shoring and Excavation Permit will be required by SDOT prior to issuance of a building permit. Compliance with the requirements and conditions described above will provide sufficient mitigation for the anticipated earth-related impacts.

Greenhouse Gases

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

Pedestrian Circulation

The Street Use Ordinance includes regulations that regulate dust, mud, and circulation within the public right-of-way. Street use permits obtained from SDOT will be necessary for any temporary closures of sidewalks and/or traffic lanes. Closure of the sidewalk along the street frontage of N.W. 56th St. may be necessary during some of the construction period. A reasonably available, alternative pedestrian path is available on the north side of N.W. 56th St. and not SEPA conditioning of this potential impact is warranted.

Construction-Related Traffic and Parking

Under SMC 25.05.675.B.2, DPD has authority under SEPA to impose conditions to mitigate parking impacts related to the project. During construction, parking demand will increase due to construction personnel and equipment. Off-site parking during construction hours in the general vicinity of the project is limited. To minimize on-street parking in the vicinity due to construction impacts, construction workers will be required to park in the on-site garage when it becomes available.

Truck trips could be generated during excavation, shoring, and foundation construction. A truck route for site excavation has not yet been developed with the City. A construction traffic plan must be provided to the City in connection with the issuance of a street use permit.

It is the policy of the City of Seattle to minimize or prevent temporary adverse impacts associated with construction activities, including measures to address parking and transportation impacts during construction per SMC 23.05.0675.B.1.g. Pursuant to this policy, project approval shall be conditioned upon the following:

- To minimize on-street parking in the project vicinity due to construction impacts, construction workers will be required to park in the on-site garage when it becomes available.
- Site work shall be conducted in a manner that would minimize interference with vehicular, pedestrian, and other non-motorized forms of circulation. Temporary traffic control or pedestrian obstructions during construction (if any) shall be undertaken only pursuant to a permit authority received from SDOT.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff from greater site coverage by impervious surfaces, potentially decreased water quality in surrounding watersheds, increased on-site bulk and scale, increased ambient noise due to increased human activity, increased demand on public services and utilities, increased light and glare, increased energy consumption, increased on-street parking demand, and increased vehicle traffic. These long-term impacts are not considered significant.

Notwithstanding the Determination of Non-Significance, the following impacts merit more detailed discussion.

Earth

There would be almost no potential for erosion from the completed development, since almost no exposed earth would remain on-site. Open space would be provided in the form of interior courtyards. Landscaping would be provided by built-in containers, landscaping strips, and by street trees. As there is no erosion potential, impacts are not considered significant and no mitigation is warranted.

Traffic and Parking

Traffic generated by the proposed development would come predominantly from the residents in the building. The amount of proposed commercial use in live work units would tend to minor in extent and to occur during hours other than the peak commute hours with little effect upon congestion during peak traffic periods.

The proposal includes 102 residential units and four live-work units, for a total of 106 units with residents.

The TSI Traffic and Parking Study for this proposal predicts it would generate 386 new daily vehicle trips of which 28 would be in A.M. Peak Hour and 38 would be in the P.M. Peak Hour. Based upon this Department's experience with and knowledge of traffic conditions and intersection levels of service in the immediate area it concludes that the amount of traffic expected to be generated by the proposal, particularly 38 trips in the P.M. Peak Hour, would be noticeable but not significant and would not warrant SEPA conditioning.

The TSI study predicts a parking demand from the proposal with 86 parking spaces of between 84 to 100 vehicles. The Department believes that on-street parking in the immediate area is often saturated during evening and business hours. Spill over parking from the proposal may not find on-street parking available. The Department is informed that excess parking is available in the Hijarta Phase I development which could be contracted for by individual residents in Phase II.

No SEPA authority exists to mitigate parking impacts in this Residential Hub Urban Village.

Water Quality/Drainage

The site is not located within the Shoreline District. Upon completion of the project, the site will be mostly covered by impervious surfaces. All vehicle parking will be provided in an underground parking garage. Stormwater from impervious surfaces will be collected for on-site detention and controlled release to the City's stormwater conveyance system. Most stormwater runoff from the completed project would be from "clean" surfaces (i.e., not exposed to vehicular traffic). Impacts to stormwater are not considered significant and no mitigation is warranted.

Plants/Animals

No trees or vegetation currently exist on the proposal site.

Energy and Natural Resources

Natural gas or electricity would be used as the principal source of energy for space heating. Electrical energy would be used for lighting and operating appliances. The proposed building provides substantial setback from the west property line allowing a much light to reach properties there as can reasonably be expected from a new structure making use of the zoned height limit. Building construction would comply with requirements of the Seattle Energy Code, at a minimum, to be reviewed at the time of Building permit application.

Long term impacts to energy and natural resources are not considered significant and no mitigation is warranted.

Housing

The City's SEPA policies encourage preservation of housing opportunities, especially low income housing. The proposed project would not demolish any housing. A total of 102 residential units are proposed. Utilities and transportation infrastructure are adequate to serve the project without adverse impacts. Housing opportunities close to transportation routes, retail areas, and urban areas minimize impacts to the regional transportation system.

There would be no long term significant impacts to housing. Therefore, no mitigation measures for such impacts are warranted.

Height, Bulk and Scale

The subject proposal has been through the Design Review Process, previously discussed in this decision. A project that is approved pursuant to the design review process is presumed to comply with the City's height, bulk and scale policies. This presumption may be rebutted only by clear and convincing evidence that the height, bulk and scale impacts documented through environmental review have not been adequately mitigated. SMC 25.05.675.G.2. Measures employed to mitigate height, bulk and scale impacts, as incorporated into the building architecture, were reviewed by the Design Review Board and found sufficient.

In order to respond to the site characteristics and reduce the building mass and bulk, the project was designed to read as three separate building components. Additional features on building faces will reduce height, bulk and scale impacts.

Long-term height, bulk and scale impacts have been addressed through the Design Review process. No additional SEPA mitigation measures are warranted.

Public View Protection

The City's SEPA policies protect public views of significant natural or human-made features from designated public places; private views are not protected. The proposed project will not impact public views. Therefore, no SEPA mitigation is warranted.

Light and Glare

No reflective materials, such as highly reflective glass or polished metal are proposed for the building exterior. The proposal includes use of low-level, directional lighting to minimize the occurrence of light and glare.

Impacts from light and glare are not considered significant and mitigation is not warranted.

Public Services and Utilities

The change of use, increase in development on the site, type of development (residential and commercial), and the introduction of a resident population are expected to result in an increased demand for public services. There are no existing deficiencies in needed services or utilities to the site. The project would comply with applicable codes and requirements of the Seattle Fire Department for fire protection and fire suppression, to be reviewed at the time of Building Permit application. All exterior entrances to the building would be well-lit and equipped with security gates.

All utilities required to serve the proposed mixed-used residential/commercial development are located within adjacent street frontages. Only side service connections should be required for each utility service. Overall, the impacts to public services and utilities are not considered significant and no mitigation is warranted.

Existing and Projected Land Use; Comprehensive and Neighborhood Plan

Residential use in a mixed use development is permitted outright in the NC3 zone. The proposal complies with development standards applicable to mixed-use development within the NC3-85 zone, except for the previously discussed development standard departures.

The City of Seattle Comprehensive Plan designates the site as a Hub Urban Village (Ballard). The proposed residential/commercial development is consistent with the Comprehensive Plan designation.

No mitigation resulting from land use impacts is warranted.

Historic Preservation

No structures are proposed for demolition.

Greenhouse Gases

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

Summary

In conclusion, certain non-significant adverse impacts on the environment are anticipated to result from the proposal. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

The owner(s) and/or responsible parties shall:

During Construction

Construction Noise

1. All construction activities are subject to the limitations of the Noise Ordinance, SMC 25.08. In addition, Construction activities (including but not limited to deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Quiet activities, such as site security, monitoring, and weather protection shall not be limited by this condition. The Department may, in situations where certain construction activities must be completed outside the proscribed hours listed above, issue limited exceptions to allow specific construction activities outside the proscribed hours for limited periods of time.
2. Construction worker parking shall avoid residential neighborhoods and shall utilize the on-site parking garage when it becomes available.
3. Site work shall be conducted in a manner that would minimize interference with vehicular, pedestrian, and other non-motorized forms of circulation. Temporary traffic control or pedestrian obstructions during construction (if any) shall be undertaken only pursuant to a permit authority received from SDOT.

DESIGN REVIEW CONDITIONS

Prior to MUP Issuance

4. The building constructed shall substantially conform to the one represented to the Design Review Board and which received a recommendation of approval.
5. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval of the Land Use Planner (Scott Kemp, scott.kemp@seattle.gov). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
6. Compliance with all images and text on the MUP drawings, Design Review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project, or by the Design Review Manager.
7. An appointment with the assigned Land Use Planner must be made at least three working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
8. All of the conditions contained in this decision must be embedded in the cover sheet for updated MUP permit plans and for all subsequent permits including any MUP revisions, and all building permits.
9. The gauge of the exterior metal siding shall be kept low (thick) enough to prevent an “oil canning” problem and the gauge shall be specified on approved plans along with a profession statement indicating that properly installed siding will not ripple or distort during or after installation.
10. Redesign exterior of the live work units to achieve a more commercial look well suited for office or retail use at a future date. The live/work units shall have larger windows, which, while still operable, avoid the awning window look. The bases of the live/work units shall be of a durable material; the pro dema material is likely the most durable of the materials proposed for the building.
11. The amount and location of the wood toned pro dema panels and the number and locations of both the bolt-on balconies and sunshades shall be maintained in the project as constructed.

Signature: (signature on file)
Scott Kemp, Senior Land Use Planner
Department of Planning and Development
Land Use Services

Date: December 12, 2011